

above-identified application, with respect to U.S. Patent No. 6,416,931. It is respectfully submitted that this Terminal Disclaimer satisfies all applicable requirements of 37 CFR 1.321(c); and that the necessary fee set forth in 37 CFR 1.20(d) is being submitted. In light of submission of the Terminal Disclaimer, it is respectfully submitted that the obviousness-type double patenting rejection is moot.

The Terminal Disclaimer is being presently submitted for facilitating proceedings in connection with the above-identified application, so as to achieve earliest possible issuance of a U.S. patent based thereon, and, at the very least, simplify issues remaining in the above-identified application. The filing of this Terminal Disclaimer does not constitute agreement with, or an admission as to the propriety of, the obviousness-type double patenting rejection; and does not constitute agreement with, or an admission as to the propriety of, arguments made by the Examiner in connection with the obviousness-type double patenting rejection.

The rejection of claims 1 and 2 under 35 USC 102(a) as anticipated by European Patent Application No. 785,565, set forth in Item 2 on pages 3 and 4 of the Office Action mailed June 28, 2005, is noted. Also to be noted is that No. 785,565 has a date of publication of July 23, 1997, which is after the filing date of the Japanese priority application, No. 132254/1997, for the above-identified application, that is, May 22, 1997.

Applicants have previously claimed priority of Japanese Patent Application No. 132254/1997, in the present application; and Applicants have previously submitted a certified copy of the Japanese priority application, in prior Application No. 09/083,057. The Examiner has acknowledged the claim for priority, and has acknowledged that a certified copy of the priority document has been received, in Item 12 of the Office Action Summary of the Office Action mailed June 28, 2005.

Moreover, submitted herewith is an English translation of Japanese Application No. 132254/1997, filed May 22, 1997, together with a Declaration of accuracy of the translation. As can be seen on page 9 of the enclosed English translation, clearly the Japanese priority application describes the presently claimed invention under the requirements of the first paragraph of 35 USC 112.

In view of all the foregoing, it is respectfully submitted that all procedural and substantive requirements have been satisfied, with respect to Applicants' claiming priority of the filing date of Japanese Patent Application No. 132254/1997.

Moreover, since such date of May 22, 1997 is prior to the publication date of No. 785,565, it is respectfully submitted that No. 785,565 does not constitute prior art in connection with the presently claimed subject matter. Reconsideration and withdrawal of No. 785,565, as prior art in connection with the presently claimed subject matter, are respectfully requested.

Applicants respectfully traverse the rejection of their claims under 35 USC 102(e) as anticipated by U.S. Patent No. 6,416,931. **It is hereby stated by the undersigned that insofar as U.S. Patent No. 6,416,931 discloses a photosensitive element for a field emission display panel having (B) a filling layer on a support film, and (A) a photosensitive resin composition layer containing a phosphor on (B) the filling layer, as set forth in claim 1 of the present application, and insofar as No. 6,416,931 discloses a photosensitive element for a field emission display panel as in claim 2 of the present application, such disclosed subject matter is the invention of inventors named in the above-identified application, and is not the invention of inventors named in the application issuing as U.S. Patent No. 6,416,931 and not named as inventors in the above-identified application.** In view thereof, it is respectfully

submitted that U.S. Patent No. 6,416,931 does not constitute prior art under 35 USC 102(e), since the disclosed information is not information "by another". See Manual of Patent Examining Procedure 716.10, indicating that an uncontradicted "unequivocal statement" from the Applicant regarding the subject matter disclosed in an article, patent or published application will be accepted as establishing inventorship. See also In re DeBaun, 214 USPQ 933, 936 (CCPA 1982).

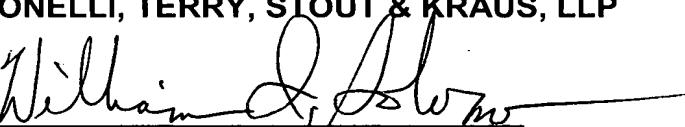
As the subject matter in U.S. Patent No. 6,416,931 being relied upon by the Examiner in rejecting the present claims does not constitute prior art, reconsideration and withdrawal of the rejection over the teachings of U.S. Patent No. 6,416,931 are respectfully requested.

In view of all of the foregoing, reconsideration and allowance of all claims presently in the application are respectfully requested.

Applicants request any shortage of fees due in connection with the filing of this paper be charged to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (case 511.36276VV3), and credit any excess payment of fees to such Deposit Account.

Respectfully submitted,

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By   
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Attachments: Terminal Disclaimer (3 pp.)  
English Translation of Japanese priority document w/Declaration of Accuracy (81 pp.)

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